



United States Attorney  
Southern District of New York

---

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

October 3, 2018

Honorable Richard J. Sullivan  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: *United States v. Vilar and Tanaka*  
Case No. 05-CR-621 (RJS)

*SEC v. Amerindo Investment Advisors Inc., et al.*  
Case No. 05-CV-5231 (RJS)

Dear Judge Sullivan:

The Government respectfully requests that a deadline of October 12, 2018 be set for it to file a reply brief in further support of its motion for a preliminary order of forfeiture for substitute assets (the “Motion”), and in response to the opposition briefs filed by defendants Alberto Vilar and Gary Tanaka and the Mayer and Marcus claimants (05-CR-621 D.E. 788, 789; 05-CV-5231 D.E. 708, respectively)<sup>1</sup>. In light of the assertions by the Mayer and Marcus claimants that granting the Motion would interfere with the operation of the Receivership in the SEC action, the Government also intends to request that the SEC and the Receiver submit any response they believe is appropriate regarding their position on the status of the Receivership and the impact of the Motion, and would ask that the same deadline apply to any such filings.

Respectfully submitted,

GEOFFREY S. BERMAN  
United States Attorney

by: /s/

Joshua Naftalis  
Assistant United States Attorney  
(212) 637-2310

---

<sup>1</sup> Mr. Tanaka provided his opposition via email to the Court and the parties on September 28, 2018, but it does appear that his submission has yet been filed on ECF and accordingly there is no entry on the Court’s docket.